

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)
)
)
EAGLE PROPERTIES AND) Bankruptcy Case
INVESTMENTS, LLC,) No. 23-10566-KHK
)
) Chapter 7
Debtor.)
)
)

**ORDER APPROVING SALE OF 1635 CHURCH ROAD, HERSHEY, PA FREE AND
CLEAR OF LIS PENDENS PURSUANT TO 11 U.S.C. §§ 363(f)**

UPON CONSIDERATION of the motion (Docket No. 460) ("Motion") of H. Jason Gold, chapter 7 trustee ("Trustee"), to approve the sale of the property commonly known as 1635 Church Road, Hershey, Pennsylvania ("Property"); and it appearing that proper and adequate notice of the Motion has been given and that no further notice is necessary; and it appearing that the sale of the Property as set forth in the Motion is in the best interest of the estate and its creditors, and it further appearing that based upon the endorsements of counsel set forth below that Bala Jain, LLC has consented to the sale of the Property as set forth herein, free and clear of all liens claims and interests, accordingly:

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Trustee is authorized to sell the Property¹ to ANNN Investment or its designee

¹ Having the following legal description:

All that certain tract of land situate along the east side of Church Road (T-588) in Derry Township, Dauphin County, Pennsylvania as shown on 1635 Church Road on the Preliminary/Final Plat of the Carol S. Meily Subdivision – 1635

Dylan G. Trache, Va. Bar No. 45939
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, Suite 900
Washington, DC 20001
(202) 689-2800
Counsel to the Chapter 7 Trustee

(the "Purchaser") for \$325,000.00 consistent with the sales contract attached to the Motion as Exhibit A.

3. At closing, the Trustee shall receive, for the benefit of the estate the sum of \$9,750.00 representing his commission under Section 326 of the Bankruptcy Code plus the remaining net proceeds of sale after payment of all closing costs and secured claims up to \$16,250.00 as additional consideration for the bankruptcy estate free and clear of all liens, claims and interests. All remaining net proceeds of sale, if any, shall be held by the Trustee pending resolution of the claims of Bala Jain, LLC and further order of this Court.

4. The Trustee is authorized to pay a three percent (3%) commission to Protus Realty at closing for services rendered in representing the Trustee in connection with the sale.

5. The Trustee is authorized to pay a two-and-a-half percent (2.5%) commission to Prime Realty Services at closing for services rendered in representing the Purchaser in connection with the sale.

6. The Trustee is authorized to pay the secured claim of the Bank of Clark County in full at closing.

7. The Trustee is authorized to pay all real estate taxes and customary costs at closing.

& 1645 Church Road and recorded as Instrument #20180003914 in the Dauphin County Recorder Office, said Tract of Land being more particularly bounded and described as follows, to wit:

Beginning at a concrete monument at the Northwest Corner of 1645 Church Road, said point also being on the eastern dedicated Right-of-Way line of Church Road; Thence, along said Right-of-Way line, with a curve turning in the right with an arc length of 100.11 feet, with a radius of 1495.00 feet, with a chord bearing of North 08 Degrees 28 Minutes 37 Seconds East, which a chord distance of 100.10 feet to an iron pipe on the southern property line of the lands of Daniel H. Juhala; Thence along a portion of said lands, South 84 Degrees 01 Minute 27 Seconds East a distance of 122.92 feet to an iron pipe on the western property line of the lands of Steven G. Weikel; Thence along a portion of said lands and a portion of the lands of David L. Hyatt, South 05 Degrees 58 Minutes 33 Seconds West a distance of 100.00 feet to a concrete monument at the northeast corner of 1645 Church Road; Thence along said lands, North 84 Degrees 01 Minute 27 Seconds West a distance of 127.29 feet to a concrete monument, which is the point of beginning.

Parcel Identification No. 24-063-089
UPI: 24-03-089-000-0000

8. The Trustee is authorized to reimburse Auction Markets, LLC at closing in an amount not to exceed \$1,000.00 for any utility and property preservation expenses as needed.

9. The Trustee is authorized to request and receive all information concerning the liens and debt held by any secured creditor necessary to close on the sale including but not limited to the loan payoff balance, proof of lien perfection, hazard insurance coverage, escrow account balance and other information. Secured creditors are authorized and directed to promptly provide said information to the Trustee upon request of the Trustee, subject to the right of any secured creditor to oppose the request.

10. This Order may be recorded in the land records wherein the subject Property is located.

11. The sale shall be free and clear of that certain Praeclipe to Index Action as Lis Pendens filed by Bala Jain, LLC in the Land Records of Dauphin County, Pennsylvania as Instrument Number 20220024601.

12. Following closing, the net proceeds of sale and any cash collateral associated with the Property shall become property of the estate, free and clear of all liens claims and interests.

13. This Court retains jurisdiction with respect to any disputes regarding the Property following the sale.

14. This Order shall be effective immediately and shall not be subject to the stay provided in Federal Rule of Bankruptcy Procedure 6004(h) or any other applicable stay.

Dated: Jun 14 2024

/s/ Klinette H Kindred
United States Bankruptcy Judge

Entered On Docket: Jun 17 2024

PREPARED BY:

NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001
Tel: (202) 689-2800
Fax: (202) 689-2860
Email: dylan.trache@nelsonmullins.com

By: /s/ Dylan G. Trache
Dylan G. Trache, Va. Bar No. 45939

Counsel to the Chapter 7 Trustee

SEEN AND AGREED:

HOOVER PENROD PLC
342 South Main Street
Harrisonburg, Virginia 22801
540/433-2444
540/433-3916 (Facsimile)
hhutman@hooverpenrod.com

By: /s/Hannah W. Hutman (by DGT with authority)
Hannah W. Hutman, (VSB No. 79635)

Counsel to Bank of Clarke

SEEN:

ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176
Phone No. (703) 777-8850
Fax No: (703) 777-8854
E-mail: crogan@RMZLawFirm.com

BY: /s/Christopher L. Rogan (by DGT with authority)
Christopher L. Rogan (Bar No. 30344)

Attorneys for Bala Jain, LLC

CERTIFICATION PURSUANT TO LOCAL RULE 9022-1(C)

I HEREBY CERTIFY that this Order has been endorsed by all necessary parties.

/s/ Dylan G. Trache
Dylan G. Trache

LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY
PURSUANT TO LOCAL RULE 9022-1

Dylan G. Trache
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001

Michael Freeman
OFFICE OF THE UNITED STATES TRUSTEE
1725 Duke Street, Suite 650
Alexandria, Virginia 22314

Stephen Karbelk
Team Leader, RealMarkets
Century 21 New Millennium
Century 21 Commercial New Millennium
6629 Old Dominion Drive
McLean, VA 22101

Christopher Rogan
ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176

Hannah W. Hutman
HOOVER PENROD PLC
342 South Main Street
Harrisonburg, Virginia 22801

In re:
Eagle Properties and Investments LLC
Debtor

Case No. 23-10566-KHK
Chapter 7

District/off: 0422-9
Date Rcvd: Jun 17, 2024

User: TaiGlennB
Form ID: pdford11

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Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol Definition

+ Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 19, 2024:

Recip ID	Recipient Name and Address
RE	+ Stephen Karbelk, Team Leader, RealMarkets, Century 21 New Millennium, 6629 Old Dominion Dr, McLean, VA 22101-4516

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	+ Email/Text: ustpregion04.ax.ecf@usdoj.gov	Jun 18 2024 00:55:00	UST smg Alexandria, Office of the U. S. Trustee, 1725 Duke Street, Suite 650, Alexandria, VA 22314-3489
prof	Email/Text: stephen@realmarkets.com	Jun 18 2024 00:54:00	Stephen Karbelk, Team Leader, RealMarkets, Century 21 New Millennium, 20405 Exchange St, Suite 221, Ashburn, VA 20147

TOTAL: 2

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 19, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 17, 2024 at the address(es) listed below:

Name	Email Address
Andrew S Goldstein	on behalf of Creditor GITSIT Solutions LLC AGoldstein@mglspc.com, jcoffman@mglspc.com
Barry W. Spear	on behalf of Creditor Aero Mortgage Loan Trust 2019- 1 Barry.Spear@bww-law.com bankruptcy@bww-law.com

District/off: 0422-9

Date Recd: Jun 17, 2024

User: TaiGlennB

Form ID: pdford11

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Total Noticed: 3

Bradley J. Swallow

on behalf of Defendant Main Street Bank bswallow@fblaw.com

Christian K. Vogel

on behalf of Interested Party Primis Bank kvogel@vogelandcromwell.com

Christian K. Vogel

on behalf of Defendant Primis Bank f/k/a Sona Bank kvogel@vogelandcromwell.com

Christopher A. Jones

on behalf of Debtor Eagle Properties and Investments LLC cajones@whitefordlaw.com
clano@whitefordlaw.com,dchaney@whitefordlaw.com

Christopher L. Rogan

on behalf of Defendant Shail Butani crogan@rmzlawfirm.com

Christopher L. Rogan

on behalf of Creditor Bala Jain LLC crogan@rmzlawfirm.com

Christopher L. Rogan

on behalf of Defendant Ishwer Butani crogan@rmzlawfirm.com

Christopher L. Rogan

on behalf of Defendant Bala Jain LLC crogan@rmzlawfirm.com

Corey Simpson Booker

on behalf of Creditor Atlantic Union Bank corey.booker@atlanticunionbank.com

Craig M. Palik

on behalf of Creditor Trinity Universal Insurance Company cpalik@mhlawyers.com
cpalik@yahoo.com;dmoorehead@mhlawyers.com;cpalik@ecf.inforuptcy.com;kmadden@mhlawyers.com;mnickerson@mhlawye
rs.com

David S. Musgrave

on behalf of Creditor Fulton Bank N.A. dmusgrave@gfrlaw.com, vhilbun@gfrlaw.com

David S. Musgrave

on behalf of Defendant Fulton Financial Corporation dmusgrave@gfrlaw.com vhilbun@gfrlaw.com

Dylan G. Trache

on behalf of Trustee H. Jason Gold dylan.trache@nelsonmullins.com
linnea.hann@nelsonmullins.com;alexandria.tracy@nelsonmullins.com;mari.cooper@nelsonmullins.com

Elizabeth Husebo

on behalf of Defendant Daniel J. Kotz ehusebo@grsm.com

Elizabeth Husebo

on behalf of Defendant First Class Title Inc. ehusebo@grsm.com

Erik W. Fox

on behalf of Creditor Vienna Oaks Office Center Condominium efox@reesbroome.com
rhurley@reesbroome.com;rchambers@reesbroome.com;pgoodwine@reesbroome.com

Gerard R. Vetter

ustpregion04.ecf@usdoj.gov

H. Jason Gold

goldtrustee@fiduciaryservicesgroup.com VA19@ecfcbis.com;hjg@trustesolutions.net;lgrahl@fsscommerce.com

Hannah White Hutman

on behalf of Creditor Bank of Clarke County hhutman@hooverpenrod.com
scurtis@hooverpenrod.com;hooverpenrodplc@jubileebk.net

J. P. McGuire Boyd, Jr

on behalf of Defendant Atlantic Union Bank mboyd@williamsullen.com

J. P. McGuire Boyd, Jr

on behalf of Creditor Atlantic Union Bank mboyd@williamsullen.com

J. P. McGuire Boyd, Jr

on behalf of Defendant Bank of Clarke County mboyd@williamsullen.com

Jack Frankel

on behalf of U.S. Trustee Gerard R. Vetter jack.i.frankel@usdoj.gov
USTPRegion04.ecf@usdoj.gov;Robert.W.Ours@usdoj.gov

James R. Meizanis, Jr.

on behalf of Creditor Virginia Partners Bank jmeizanis@bklawva.com jroot@bklawva.com;mnoble@bklawva.com

Jeffery T. Martin, Jr.

on behalf of Debtor Eagle Properties and Investments LLC jeff@martinlawgroupva.com
martin.jeffery.t.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

District/off: 0422-9

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User: TaiGlennB

Form ID: pdford11

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Total Noticed: 3

Jeffery T. Martin, Jr.

on behalf of Plaintiff Eagle Properties and Investments LLC jeff@martinlawgroupva.com
martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

Jeffery T. Martin, Jr.

on behalf of Counter-Defendant Eagle Properties and Investments LLC jeff@martinlawgroupva.com
martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

Jeremy B. Root

on behalf of Creditor Virginia Partners Bank jroot@bklawva.com
tjones@bklawva.com;mnoble@bklawva.com;wcasterlinejr@bklawva.com;jmeizanis@bklawva.com

John E Reid

on behalf of Debtor Eagle Properties and Investments LLC jack@martinlawgroup.com jack@martinlawgroupva.com

John Tucker Farnum

on behalf of Interested Party SC&H Group jfarnum@milesstockbridge.com
jfarnumecfnotices@gmail.com;dbernard@milesstockbridge.com

Joshua David Stiff

on behalf of Debtor Eagle Properties and Investments LLC jstiff@wtplaw.com eslate@wtplaw.com;dchaney@whitefordlaw.com

Justin Fasano

on behalf of Creditor Gus Goldsmith jfasano@mhlawyers.com
jfasanoecf@gmail.com;jfasano@ecf.courtdrive.com;sshin@mhlawyers.com;dmoorehead@mhlawyers.com

Lee S Raphael

on behalf of Creditor Gitsit Solutions LLC ecf1@ecf.courtdrive.com, cmartin@pralc.com

Maurice Belmont VerStandig

on behalf of Professional Maurice VerStandig mac@mbvesq.com
lisa@mbvesq.com;verstandig.mauricer104982@notify.bestcase.com;verstandiglaw@recap.email

Nancy Greene

on behalf of Debtor Eagle Properties and Investments LLC ndg@ndglaw.com

Nancy Greene

on behalf of Plaintiff Eagle Properties and Investments LLC ndg@ndglaw.com

Nancy Greene

on behalf of Professional N D Greene PC ndg@ndglaw.com

Richard E. Hagerty

on behalf of Defendant Navy Federal Financial Group LLC richard.hagerty@troutmansanders.com,
sharron.fay@troutmansanders.com;natalya.diamond@troutman.com

Robert Hockenbury

on behalf of Creditor Shore United Bank robert.hockenbury@wbd-us.com

Robert M. Marino

on behalf of Defendant Shail Butani rmmarino@rpb-law.com rmmarino1@aol.com

Robert M. Marino

on behalf of Defendant Ishwer Butani rmmarino@rpb-law.com rmmarino1@aol.com

Robert M. Marino

on behalf of Creditor Bala Jain LLC rmmarino@rpb-law.com rmmarino1@aol.com

Stephanie Gardner Bortnick

on behalf of Defendant Daniel Kotz sbortnick@grsm.com

Stephanie Gardner Bortnick

on behalf of Defendant Daniel J. Kotz sbortnick@grsm.com

Stephanie Gardner Bortnick

on behalf of Defendant First Class Title Inc. sbortnick@grsm.com

Stephen W. Nichols

on behalf of Creditor Orrstown Bank snichols@offitkurman.com

TOTAL: 48